

Appl. No. : 10/511,397
Filed : October 14, 2004

REMARKS

Applicants have canceled Claims 14-19 without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the canceled claim in this or any other patent application.

This amendment after final, cancelling Claims 14-19, is made in accordance with 37 C.F.R. §1.116(b)(1). Accordingly, entry of the amendment is respectfully requested.

Upon entry of the amendment, Claims 2 and 4-13 are pending in this application.

Obviousness-Type Double Patenting

Claims 2 and 4-19 are provisionally rejected as not patentably distinguishable from Claims 1 and 3-10 of U.S. App. Ser. No. 10/510,466 in view of U.S. App. Ser. No. 10/983,520.

The claims of U.S. App. Ser. No. 10/510,466 have been amended such that Claims 1 and 3-10 are no longer pending. Accordingly, this rejection is now moot.

Claim Rejection – 35 U.S.C. § 103

Claims 14-18 are rejected under 35 U.S.C. § 103 as being obvious over Fuji in view of Suzuki (US Pub. 2002/0150722). The Office Action states that Fuji teaches all elements of the claims except spacing and roughness, and that Suzuki teaches spacing and roughness.

Claims 14-18 are canceled herein. Accordingly, this rejection is now moot.

Claim Rejection – 35 U.S.C. § 103

Claim 19 is rejected under 35 U.S.C. § 103 as being obvious over Fuji in view of Suzuki and in further view of Winston (US Pub. 2002/0061178). The Office Action states that it would have been obvious to combine the low refractive index layer of Winston with the inventions of Fuji and Suzuki.

Claim 19 is canceled herein. Accordingly, this rejection is now moot.

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Claims 2 and 4-13

Claims 2 and 4-13 are pending in this application. The Office Action has indicated that these claims are allowable. Applicants therefore submit that no issues remain in the present application since all pending claims are indicated as allowable.

CONCLUSION

In view of the above, Applicant respectfully maintains that claims are patentable and request that they be passed to issue. Applicant invites the Examiner to call the undersigned if any remaining issues might be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 26 - Feb - 07

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